

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:22-cv-00100-WCM

BRENDA LAMBERT,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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ORDER

This matter is before the Court on the following:

1. “Plaintiff’s Opening Brief Social Security Case,” which has been filed as a Motion (Doc. 10); and
2. The Commissioner’s Unopposed Motion for Reversal with Remand for Further Administrative Proceedings (the “Motion to Remand,” Doc. 14).¹

Under Sentence Four of 42 U.S.C. § 405(g), a court has the authority “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.” See Shalala v. Schaefer, 509 U.S. 292,

¹ The parties have consented for a United States Magistrate Judge to conduct any and all proceedings in this case, including entering a final judgment. Docs. 11, 12.

299 (1993). Remand for further proceedings is the proper action in any case that requires further fact finding. See Meyer v. Astrue, 662 F.3d 700, 707 (4th Cir. 2011) (“Assessing the probative value of competing evidence is quintessentially the role of the fact finder. We cannot undertake it in the first instance. Therefore, we must remand the case for further fact finding”).

Here, the Commissioner asks the Court to remand the case for further administrative proceedings, and Plaintiff consents. Doc. 14 at 1.

IT IS THEREFORE ORDERED THAT:

1. The Commissioner’s Unopposed Motion for Reversal with Remand for Further Administrative Proceedings (Doc. 14) is **GRANTED**, the Commissioner’s decision is **REVERSED**, and this matter is **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g).
2. “Plaintiff’s Opening Brief Social Security Case,” which has been filed as a Motion (Doc. 10) is **DENIED AS MOOT**.
3. The Clerk of Court is respectfully directed to enter a separate judgment of remand and to close this case.

Signed: March 29, 2023



W. Carleton Metcalf
United States Magistrate Judge

